

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James Mobley, :  
Plaintiff : Civil Action 2:13-cv-0286  
v. : Judge Watson  
State of Ohio Department of : Magistrate Judge Abel  
Rehabilitation and Correction, *et al.*, :  
Defendants :  
:

**Report and Recommendation**

It is RECOMMENDED that plaintiff Jame's Mobley's March 26, 2013 motion to proceed *in forma pauperis* (doc. 1) be DENIED. His affidavit and the prison cashier's statement of inmate account state that Mobley currently has \$7,680.01 in his inmate account. Those funds are sufficient to pay the Court's \$350 filing fee.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See

*also, Small v. Secretary of Health and Human Services, 892 F.2d 15, 16 (2d Cir. 1989).*

Plaintiff Mobley is ORDERED to pay the Court's \$350 filing fee within twenty-eight (28) days of the date of the Report and Recommendation.

The Clerk of Court is DIRECTED to mail a copy of the complaint and this Report and Recommendation to each defendant.

s/Mark R. Abel  
United States Magistrate Judge